

Administrative Procedure 581-

Accidents and Driving Offences of Division Staff

Background

In the event of an accident, the primary responsibility of all staff is to ensure the safety of students, other personnel and the public. Mitigating loss and damage to property is a second concern. Because accident situations are variable, it is recognized that procedures must allow sufficient flexibility to accommodate this. Staff members are expected to act as a reasonable parent and exercise best judgment as to what is to be done. The following procedures are established to provide guidance for this decision making.

Definitions

Accident - an incident where there has been damage to Division property, a third party's property, or injury to any person.

Procedures

1. The Director of Transportation Services, in consultation with the Assistant Superintendent of Human Services, is responsible for reviewing and/or investigating all incidents relating to the driving incidents involving staff or students. Where the incident involves the conduct of student(s), including student(s) with unique needs, the review will also include the Assistant Superintendent of Learning Services and/or the Director of Inclusive Services.
 - 1.1. The documentation of the review and recommendations, if any, shall be submitted to the Secretary Treasurer and copied to the Superintendent.
 - 1.2. The Secretary Treasurer is responsible for reporting any driving incidents to the Division's insurance provider as appropriate.
2. The following must be reported immediately to the Director of Transportation Services:
 - 2.1. Any driving incident, including an accident, while driving a school vehicle or transporting staff or students in a private vehicle.
 - 2.2. Receipt of summons under Highway Traffic Act while driving a school vehicle or transporting staff or students in a private vehicle.
3. In addition, employees who regularly drive Division vehicles or regularly drive private vehicles containing Division staff or students must also immediately report the following to the Director of Transportation Services:
 - 3.1. Receipt of summons under Criminal Code while driving any vehicle.
 - 3.2. Any conviction while driving any vehicle where demerits are issued where such conviction will result in a total of five demerits or greater against the employee's license.

4. The Director of Transportation Services will then inform other Division personnel and other interested persons as appropriate.
5. In the event of criminal charges being laid against a regular or substitute bus driver while driving any vehicle, the employee may be immediately suspended from driving a school bus without pay. Suspension will remain in effect until the charges have been heard by the Courts and the Director of Transportation Services has reviewed the matter and determined whether or not the employee will be reinstated.
6. In the event of:
 - 6.1. a traffic violation being laid against an employee; or
 - 6.2. an accident deemed by the Director of Transportation Services to be of a serious nature;
 - 6.3. any suspension will be at the discretion of the Director of Transportation Services and will remain in effect until they have investigated the incident using all the resources at their disposal (ie: RCMP, Transportation Safety Branch). The employee involved has the right to appeal the suspension by the Director of Transportation Services to the Superintendent. Appeal will be heard within 10 working days of the notice.
7. In the event the employee chooses to waive court action by paying any summons issued, suspension will still remain in effect until the Director of Transportation Services has reviewed the matter and resolved a course of action.
8. Following a suspension, an employee may be required to obtain and submit a medical certificate and driver abstract to the Director of Transportation before they are able to resume driving duties.
9. For all accidents, the employee, at the discretion of the Director of Transportation Services, is to complete a report form as prescribed by the Division.
10. Following the Court proceedings and/or internal investigation, the Director of Transportation Services will review the employee's suitability for continued employment.
11. The Director of Transportation Services may investigate any employee whose driving performance has been reported.
12. Where an accident has occurred, the following procedures are provided for guidance for school bus drivers or on-bus supervisors:
 - 12.1. Passengers are most important. Check for injuries and administer or arrange for first aid as quickly as possible.
 - 12.2. If there is danger of fire, remove all passengers to a safe distance from the vehicle. Make sure the ignition key is in off position. In the winter it is important to protect passengers from the cold weather wherever possible.

- 12.3. Call for Ambulance and RCMP as required. (This may be done by the Transportation Office depending upon arrangements made in clause 12.4 below.)
- 12.4. Notify the Director of Transportation Services or Division mechanic(s) immediately of the details of the accident. Specific instructions will be issued. In the event, neither of these contacts can be made, contact the Secretary Treasurer or Superintendent. In the normal circumstance, the Director of Transportation Services, Transportation Services Coordinator, or Division mechanic(s) shall notify the Secretary Treasurer or Superintendent as soon as possible.
- 12.5. Whenever possible another person is to make the contacts specified in clauses 12.3 and 12.4 above if this means leaving passengers unattended. The bus driver must use his discretion in this matter.
- 12.6. In the event that the RCMP are not available, and another vehicle is involved in the accident, regardless of fault, obtain the following: name of other driver, driver's license number, vehicle make, serial number, license plate number, pictures if possible, and insurance agent and address.
13. If no medical attention is required for passengers and no specific instructions in this regard are received then passengers involved in the accident may be dispersed as follows:
 - 13.1. If enroute to school, they are to be delivered to school as soon as possible and the Principal is to be advised that they were involved in an accident.
 - 13.2. If enroute home, they are to be delivered home as soon as possible and the parent(s) is(are) to be advised that they were involved in an accident.
 - 13.3. Since it is not possible to foresee all circumstances which may occur in an accident, it may be necessary to deviate from some of these instructions. In any event, good common sense and reasonable actions must be used.

Reference: Section 11,33,52,53,59,68,196,197,222,225 Education Act
Protection of Privacy Act
Traffic Safety Act
Commercial Vehicle Safety Regulation 121/2009
School Transportation Regulation 96/2019
Use of Highway and Rules of the Road Regulation 304/2002
Vehicle Equipment Regulation 122/2009

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